Safeguarding, Bullying and Harassment of Learners Policy

1. Value Base

1.1. Abuse is wrong and must never be condoned, excused or allowed to continue. We will ensure that in all our actions we will put the rights and interests of learners first.

1.2. CCL has a zero tolerance stance on any form of abuse and will report and investigate all concerns.

1.3. We will ensure that learners and staff are protected from harm and not subject to unwanted attention or behaviour that concerns or upsets them.

1.4. All staff, whatever position they hold, must adhere to the Skills for Care "Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England".

2. Training

2.1. Staff will be aware of the following:

- Policies and procedures alone will not protect staff and learners from harm. Only by ensuring that all staff understand and follow such procedures will abuse, bullying and harassment stop.
- If staff witness any form of abuse they must report immediately failure to do so may result in disciplinary action
- If staff disclosure abuse the Executive Group will support them and offer a free counselling service
- Staff will be aware of the sensitivity of other people in their comments and general conversation.
- Abuse can occur through ignorance, but ignorance is no defence. Staff will be aware that they are responsible for their actions in their dealings with learners.
- All staff will be aware of the Mental Capacity Act and this will be included in their initial induction.
- Staff will receive ongoing training/ information about Adult safeguarding and the Safeguarding Adults Multi-Agency Policy and Procedure for the West Midlands.
- Adult safeguarding will be a set agenda item on Management team meetings, all staff meetings and supervision sessions.
- Staff have a copy of the 'Speaking Up About Wrongdoing' leaflet.
- Staff have a copy of the disclosure policy in their induction folder
- Staff will receive training in the Prevent Duty
- Staff will receive training in the LockDown procedure.

3. Legislative References

3.1. The Care Act, The Care Standards Act 2000, The Health & Social Care Act 2008, The Health and Social Care Act (Regulated Activities) Regulations 2010 and any subsidiary legislation enacted under them and guidance issued under them.

3.2. All other legislation from the CCL's Legislation Guide.

4. Definition of Abuse

4.1. Abuse can manifest itself in many different forms and on some occasions can be unintentional. The standard definition of Abuse is:

"Any action (or lack of action) that causes harm or distress to another. These actions may be deliberate or accidental and include: physical, psychological, neglect, sexual or financial".

Actions may be the result of an individual, a group of people or be classed as institutional abuse.

5. Preventing Abuse

5.1. Each person who applies for employment will be subject to a Disclosure and Barring Service check before they are allowed to commence work.

5.2. Anyone who works in any capacity for CCL is obliged to inform CCL at the earliest possible opportunity if, at any time, they are the subject of a criminal investigation, are prosecuted, receive a caution or are convicted of a criminal offence.

5.3. For "Qualified" staff, we will ensure that checks are made to ascertain the current status of the applicants' registration category and details entered onto the "Staff on the Health and Care Professions Council (HCPC) or relevant register".

5.4. For any person applying for the post of "Registered Manager" in a care home, checks will be undertaken to meet the Regulations within the Health and Social Care Act 2008.

5.5. All staff will receive training in the recognition of different types of abuse and how to recognise the signs of abuse.

5.6. All training for staff will focus on the base values of CCL and how this may be interpreted by others. Only by ensuring that all staff work in a consistent and non-abusive way will the incidence of Institutional Abuse be removed.

5.7. The Manager and Director of Education will complete Adult Safeguarding for Managers training.

5.8. Robust policies and procedures are in place which link to the Shropshire's multi-disciplinary safeguarding procedures.

5.9. All staff, whatever position they hold, must adhere to the Skills for Care "Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England".

5.10. Staff and visitors must not use personal phones or other communication and media devices or personal cameras when on CCL premises or for staff when on duty.

6. What Types of Abuse are There?

6.1. There are several forms of abuse that can occur for this reason; we will ensure that all staff are aware of the full range of the types of abuse. We never assume that a particular type of abuse cannot happen.

6.2. Types of abuse are:

6.2.1. Physical Abuse

Perhaps the most easily recognised form of abuse and the one that springs to most people's minds when the subject is raised. It takes many forms, some of which are:

- Punching
- Slapping
- Kicking
- Biting
- Burning
- Nipping
- Shaking
- Wrongful use of restraint
- Wrongful use of medication

6.2.2. Sexual Abuse

Perhaps the second most often recognised form of abuse, which, although quite rare, often has the most profound effect on the psychological health of the victim. It is defined as "forcing a person to take part in any sexual activity without consent or an activity for which they would not willingly give their consent". This can occur in many forms and guises:

- Unwanted sexual advances by another person
- Inappropriate sexual activity of another person.
- Being forced to take part in any sexual act against your own free will.
- Sexual exploitation including peer to peer
- Inappropriate language of a sexual nature by another person.

6.2.3. Psychological Abuse

This form of abuse is undoubtedly more common than most people think and is often referred to as "playing mind games". In the past, lack of good quality training meant that staff were not adequately prepared for the variety of challenges they would face. In many cases staff have been unaware that their actions were construed as abusive. As stated earlier, ignorance is no defence! Psychological abuse (playing mind games) includes:

- Ignoring
- Frightening
- Swearing at a service user
- Shouting at a service user
- Blaming
- Humiliating
- Intimidating

6.2.4. Neglect and Acts of Omission

This is an area that some people would claim not to easily recognise as abuse, but still enables the abuser to exercise their power over the victim. Whichever way you look at it, below is a list of potential areas of neglect which, if acted upon will cause distress and harm to an individual, and according to the definition, that constitutes abuse:

- Deprivation and ignoring of assistance
- Withholding of necessities such as medication
- Withholding adequate nutrition and heating
- Ignoring medical or physical care needs
- Failure to provide access to appropriate health, Social Care or Educational Services

6.2.5. Financial and Material

This is an area of abuse, which is quite common in some areas and is probably unintentionally more widespread than many people think. Financial abuse is not restricted to older people and is rife amongst younger people:

- Misuse of another person's money
- Misuse of another person's personal effects
- Withholding money or personal effects
- Disposal of personal effects without consent
- The misuse of loyalty cards

6.2.6. Discriminatory

This is an area where people are being discriminated against within the protected characteristics outlined in the Equality Act, 2010:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation
- Marriage and civil partnership
- Pregnancy and maternity

6.2.7. Institutional Abuse

This is the mistreatment, abuse or neglect of an adult at risk by a regime or individuals in a setting or service where the adult is at risk lives or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights.

Institutional abuse occurs when routines, systems and regimes of an institution result in poor or inadequate standards or care and poor practice which affects the whole setting and denies, restricts or curtails the dignity, privacy, choice, independence or fulfilment of adults at risk.

7. What signs do you Look For?

7.1. People very rarely come forward and tell you that they have been abused, although once they "open up" they often cannot stop talking about it until they have told the full story.

Sudden changes in a learner will be noted and observed by staff as a potential warning sign. Changes may be subtle but often are sudden and drastic. Any change in a learner, however small has a reason.

7.2. Possible indicators are:

7.2.1. Physical Indicators

- Unexplained injuries, bruising or burns
- Changes in personal hygiene or self-cares
- Sudden continence problems without apparent reason
- Sudden weight loss
- Repeated visits to GP

7.2.2. Sexual

- Itching, painful or injured genitals
- Bruising
- Venereal disease (VD) or urinary tract infection (UTI)
- Sexual references, innuendo or hints about sexual abuse
- Reluctance to be cared for by a particular individual
- Reluctance to accept certain visitors

7.2.3. Psychological Indicators

- Becoming withdrawn or unusually quiet
- Refusal to accept visitors
- Disturbed sleeping patterns
- Irrational or aggressive behaviour
- Reclusiveness
- Refusal to see health care professionals

7.2.4. Neglect and Acts of Omission Indicators

- Inadequate standard of heating, housing or lighting
- Poor standard of diet, hunger, malnutrition
- Poor personal hygiene
- Untreated medical conditions
- No visitors or correspondence

7.2.5. Financial or Material Abuse Indicators

- Unusual bank transactions
- Sudden changes in the learners will
- Suspicious activity of visitors or relatives.
- Sudden financial problems
- Disparity between assets, income and living conditions

7.2.6. Discriminatory Indicators

- A person may reject their own cultural background and/ or racial origin or other personal beliefs, sexual practices or lifestyle choices.
- A person making complaints about services not meeting their needs

7.2.7. Institutional Indicators

- Unnecessary or inappropriate rules and regulations
- Lack of stimulation or the development of individual interests
- Inappropriate staff behaviours, such as, the development of factions, misuse of drugs or alcohol, failure to respond to leadership

7.2.8. Other areas of abuse include:-

- Hate crime
- Domestic abuse
- Honour based violence
- Female genital mutilation
- Forced marriage
- Human trafficking
- Exploitation by radicalises who provide violence
- All forms of exploitation
- Abuse by another adult at risk

8. Dealing With Abuse

8.1. If any member of staff suspects that abuse might have taken place or is still taking place, they must report it to the Manager or Director of Education without delay. If they suspect that the Manager might be involved in the abuse, the staff member must report their suspicions to:

- A member of the Executive Group
- A member of the Safeguarding Working Group
- Email the Speakup@conodvercl.org.uk
- The chair of the Board of Management
- Social Services Department
- The Care Quality Commission
- The Police
- Shropshire Adult Safeguarding Team

8.2. To delay in reporting suspected abuse might mean that a learner is exposed to the abuser for longer than necessary and not reporting suspected abuse may be seen as condoning the abuse.

8.3. If an allegation of abuse is received we will immediately

- Protect the person reporting the abuse by following the Disclosure Policy.
- Protect the learner by following the Confidentiality and Access to Information Policy.
- Consider options to reduce the risk which may involve suspending the member of staff, redeploying them whilst an investigation is undertaken

- Record details of the allegations, the frequencies and incidents alleged and a record of the immediate actions taken.
- Report the allegations to the local social services team who are the lead agency in dealing with and investigating abuse allegations.
- Inform the Local Authority which funds the learner.
- Inform parents and or next of kin.
- Report to the Care Quality Commission

8.4. We will immediately take such steps as may be required to protect the victim of the abuse from any further suffering in the short term or until a full investigation can be carried out.

8.5. The Manager / Director of Education will work closely with Shropshire Council to arrange for the team member to interview the learner suspected to have been abused and facilitate the meeting if required.

8.6. The Manager / Director of Education will participate in discussions / meetings in line with The Safeguarding Adults Multi-Agency Policy and Procedure for the West Midlands.

8.7. The Manager will ensure that any actions arising from the above meeting are actioned.

8.8. Where, following an investigation into alleged abuse, no evidence can be found to substantiate the abuse, we will close the file on the incident. The closing of the file does not mean that:

- Abuse has not occurred
- There are not grounds for concern
- The allegations were lies

We will ensure that steps are taken to ensure that the type of abuse alleged cannot readily occur and that the learner is supported through the aftermath of an investigation.

8.9. Where it is found that a member of staff may be unsuitable for work with vulnerable adults, they will be referred to the Disclosure and Barring Service for inclusion on the barring list.

9. Who are the Abusers?

9.1. We ensure that all staff are aware of what is abuse and that CCL has a zero tolerance stance on any form of abuse.

9.2. We are responsible for ensuring that all staff members are competent to carry out their duties.

This includes ensuring that staff are aware of the implications of their actions or omissions.

9.3. Where we are aware that the actions or approach of a staff member is such that it might be classed as “unintentionally abusive” this will be discussed in their supervision session or immediately to ensure that such behaviour ceases This may also be discussed as an ‘alert’ with Shropshire Council as per Safeguarding Adults Multi-Agency Policy and Procedure for the West Midlands. If this does continue it will result in the Shropshire Adult Protection Team being informed.

9.4. We recognise that families and friends can also be abusers, staff are trained in being valiant when learners go home and return – body charts are completed if required prior and on return from time away.

9.5. When families visit with a learner's siblings if abuse is observed staff will refer this allegation to the Shropshire Child Protection Team.

9.6. All suspicions of abuse will be reported to Shropshire Council and the funding social service department for the learner.

9.7. We recognise that a learner can abuse another learner, staff are trained in recognising and report this.

9.8. When learners are not attending College, Day Opportunities or have gone to stay at their family home, the manager must ensure that they have regular contact with them.

10. What is Institutional Abuse?

10.1. We will ensure that the needs of the individual learner are not being sacrificed to meet the demands of the organisation.

This is the simplest form of Institutional Abuse and usually means that the abuse that takes place is ensuring all learners are being abused similarly.

10.2. The simple test for Institutional Abuse is to ask the question

- Whose benefit is the home being run for?
- Is it the staff or is it the learner?

This is often evidenced by:

- Lack of Individual Care Plans or the same entry day after day
- Rigid routines for meals and bed times
- Over use of medication which makes people drowsy or sleepy
- Failure to respect privacy and dignity
- Bath rotas, toileting routines, bowel and enema charts (except in some nursing care).

11. County lines

11.1. This is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line".

Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move and store drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims.

Vulnerable person can be targeted and recruited into county lines in a number of locations including schools, further and higher educational institutions, special educational needs schools and colleges, children's homes and care homes.

12. Contextual Safeguarding

12.1. The exploitation and abuse of children, young people and adults where the exploitation comes from outside the home.

12.2. It includes child sexual exploitation, missing children, gangs, county lines, radicalisation, modern slavery and all forms of criminal exploitation. There are clear links across these areas and it is vital that staff, know what to look out for and how to respond. It recognises that the different relationships that young people and vulnerable adults form in their neighbourhood, schools and online can feature violence and abuse

Therefore, young people's social care practitioners, child protection systems and wider safeguarding partnerships need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse beyond their front doors.

There are specific risks and vulnerabilities faced by children and young people who have Special Educational Needs and Disabilities (SEND). Hence why staff must be observant of peer on peer pressure and other community pressures

13. Safeguarding Working Group

13.1. The purpose of the Working Group is to

- Ensure that the safeguarding policy is reviewed on an annual basis
- Ensure that all staff, management team and Board of Management are aware of their collective responsibilities in relation to safeguarding
- Promote a strong culture at CCL that embeds the importance of safeguarding.
- Ensure that policies and procedures are updated to reflect new legislation/ guidance
- Analyse safeguarding incidents/ concerns to establish if there are any trends
- Reviewed adult safeguarding procedure and evaluate their effectiveness
- Consider, review and implement further developments relating to safeguarding
- Monitor the staff training
- Provide clear and robust procedures and guidance on how to report and deal with concerns

14. Board of Management

14.1. The Board of management oversee the safeguarding processes for the organisation. All Board members receive safeguarding training on a regular basis.

14.2. The Board of Management has a designated safeguarding lead, they monitor, challenge and act as a critical friend.

15. Safeguarding Lead

15.1. The designated safeguarding lead is expected to:

- act as a point of contact with the three safeguarding partners; the local authority, the clinical commissioning group and the police.
- liaise with the CEO to inform her of issues- especially ongoing enquiries under section 47 of the Care Act 2014 and police investigations;
- as required, liaise with the "case manager" (as per Part four) and the designated officer(s) at the local authority for adult safeguarding concerns in cases which concern a staff member;
- liaise with staff and when deciding whether to make a referral by liaising with relevant agencies; and
- act as a source of support, advice and expertise for all staff.

16. The Prevent Duty

16.1. The Prevent Duty refers to all members of staff, Learners, volunteers' stakeholders, Contractors and visitors.

16.2. We have a duty to work within the Prevent Duty and if we have any concerns about Radicalisation or extremist ideals we would adhere to section 26 of the Counter Terrorism & Security Act 2015, and would refer to the Channel Programme.

17. Bullying

17.1. Bullying may also be between learners, there is a complaint procedure that is user friendly to allow a learner to tell a member of staff about their concerns so that they can be dealt with in a professional manner.

17.2. We will ensure that any allegation of bullying is dealt with immediately and action taken to stop it forthwith

17.3. Bullying is a form of harassment and will be dealt with as such.

18. Harassment

18.1. We will be aware of the relationship damage that harassment can do to either an individual or to a group of learners.

18.2. We will ensure that all staff understand the various forms that harassment can take. These include:

- Bullying and intimidation
- Exclusion (send to "Coventry")
- Verbal or written harassment – often called a "whispering campaign"
- Harassment of staff by learners or their families
- Sexual harassment for sexual attentions and favours
- Pressure to join activities or groups, which have a political or religious bias
- Excessive or prolonged criticism for trivial matters
- Unnecessary or unwarranted physical contact
- Use of language, which might be seen as threatening, racist or slanderous.

18.3. If a learner feels threatened or are being harassed they must:

- Tell a member of staff so they can speak to the person or people involved that their behaviour is offensive and it must stop.

- The learner must follow the complaint procedure

19. Zero Tolerance

19.1. We adopt a zero tolerance policy on abuse, all allegations will be investigated. Any member of staff who is found, after appropriate disciplinary proceedings, to have carried out abuse, will be summarily dismissed and the relevant authorities notified.

20. Forms and Documents Associated with this Procedure

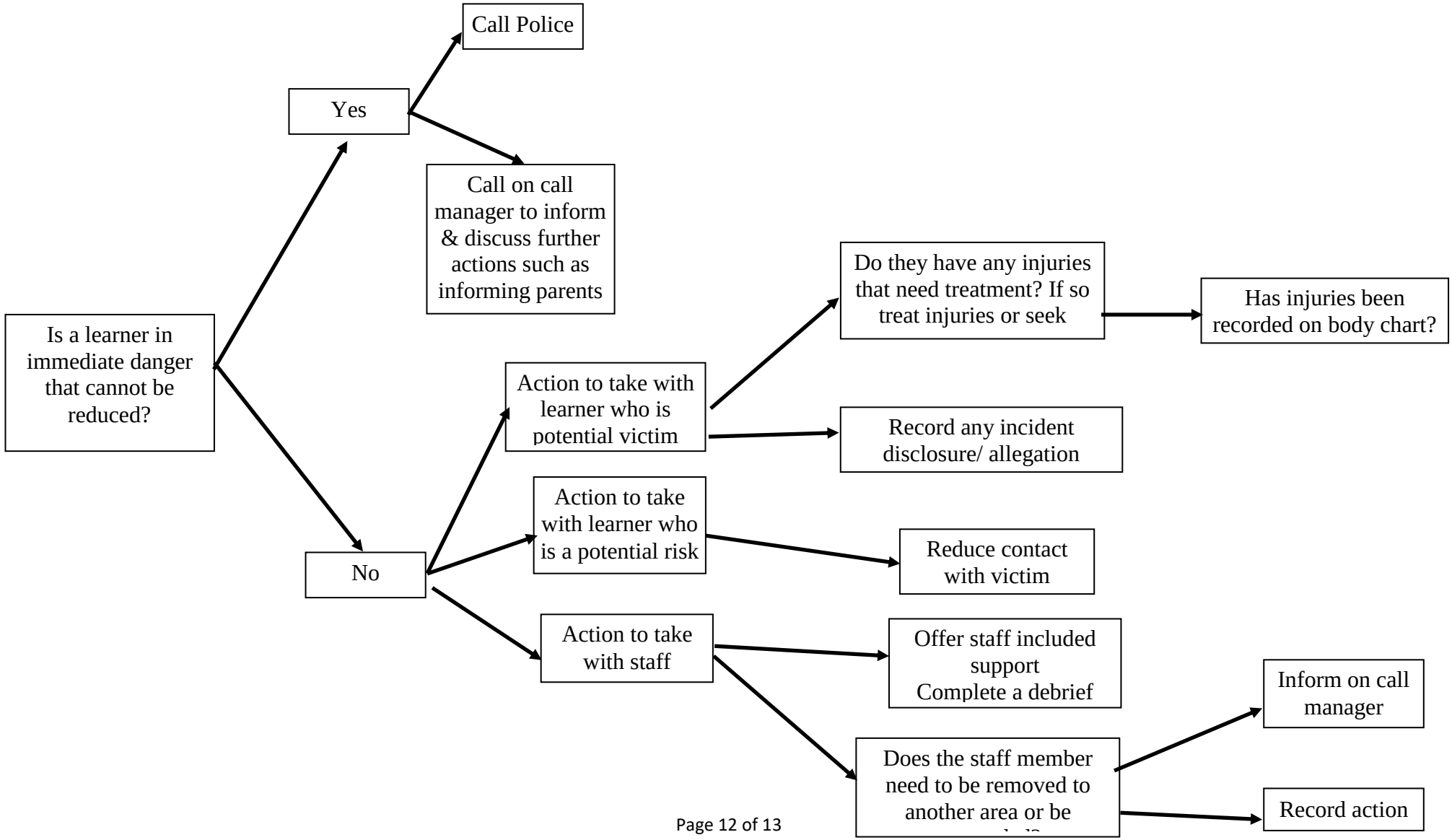
The following forms and / or documents are referenced within this policy and may be useful:

- Confidentiality and Access to Records Policy
- Disciplinary Process and Grievances Policy
- Disclosure Policy

This policy must be read in conjunction with other policies and does not form part of the employee's contract.

Appendix 1

On call manager actions to take if concern raised



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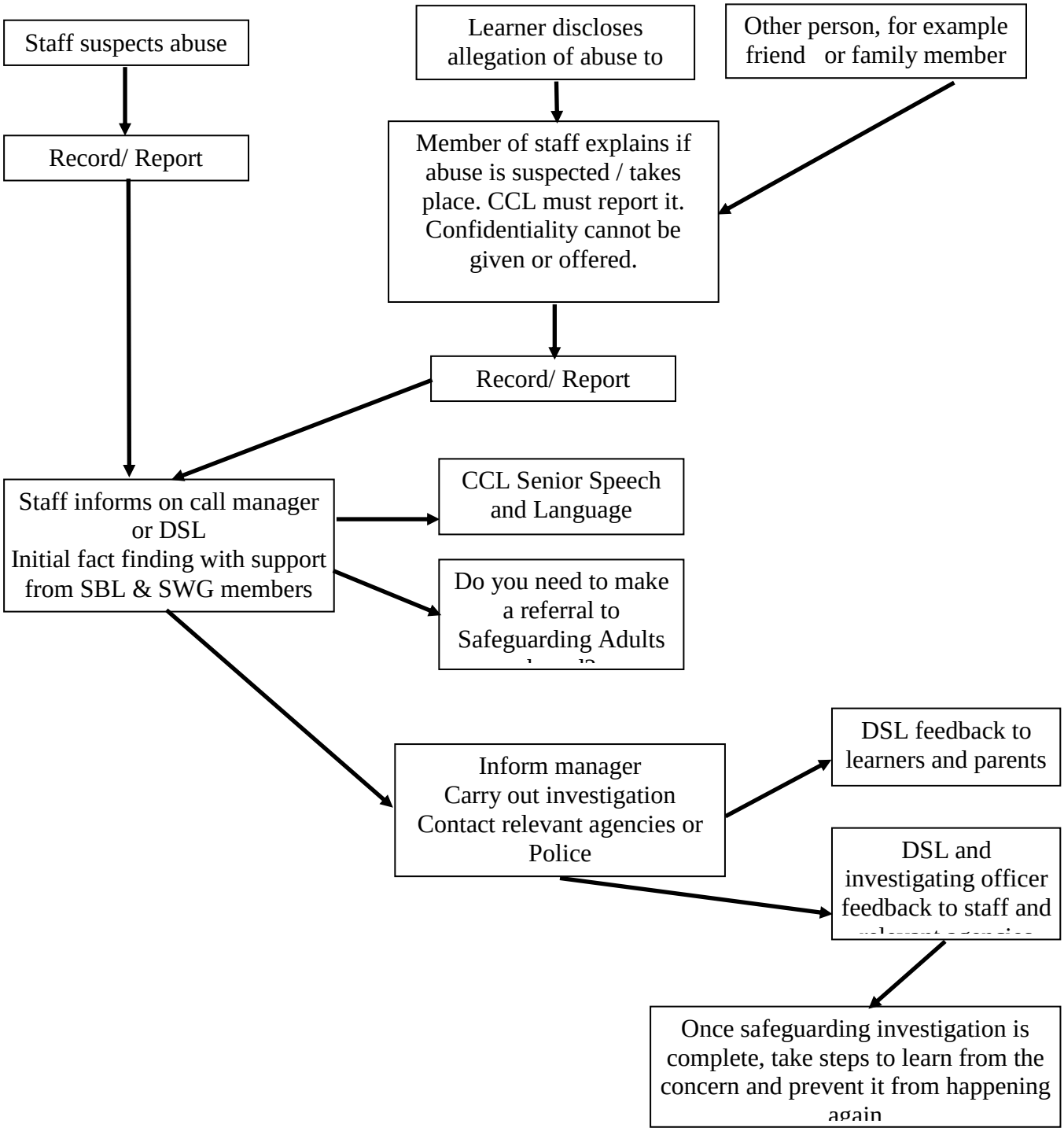
Safeguarding Procedure